

FORM PTO-1390 (Modified)
(REV 10-95)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

CGS 210 USA

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/367013

INTERNATIONAL APPLICATION NO.
PCT/US98/07126INTERNATIONAL FILING DATE
10 April 1998 (10.04.98)PRIORITY DATE CLAIMED
11 April 1997 (11.04.97)

TITLE OF INVENTION

METHODS AND COMPOSITIONS FOR SYNTHESIS OF LONG CHAIN POLYUNSATURATED FATTY ACIDS

APPLICANT(S) FOR DO/EO/US

KNUTZON, Deborah; MUKERJI, Pradip; HUANG, Yung-Sheng; THURMOND, Jennifer; CHAUDHARY, Sunita;
and LEONARD, Amanda Eun-Yeong

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
- ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
- ☒ A copy of the International Search Report (PCT/ISA/210).
- ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
- ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)). (three signed documents)
- ☒ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
- ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 18 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☒ Certificate of Mailing by Express Mail
19. ☒ Other items or information:

- a. Twenty (20) sheets of formal drawings.
- b. Copies of Forms PCT/IB/301, PCT/IB/304, PCT/IB/308, and PCT/IB/332.
- c. Copy of Response to Invitation to Furnish Nucleotide and/or Amino Acid Sequence Listing with revised paper copy of Sequence Listing (pages 143-173) and revised copy of Sequence Listing in computer readable format.

U.S. APPLICATION NO. (IF KNOWN) SEE 37 <div style="font-size: 2em; font-weight: bold; margin-top: 5px;">09/38713</div>	INTERNATIONAL APPLICATION NO. <div style="font-weight: bold; margin-top: 5px;">PCT/US98/07126</div>	ATTORNEY'S DOCKET NUMBER <div style="font-weight: bold; margin-top: 5px;">CGAB-210 USA</div>
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20. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| <input type="checkbox"/> Search Report has been prepared by the EPO or JPO | \$840.00 |
| <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) | \$670.00 |
| <input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) | \$760.00 |
| <input checked="" type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO | \$970.00 |
| <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) | \$96.00 |

ENTER APPROPRIATE BASIC FEE AMOUNT =**CALCULATIONS PTO USE ONLY**
 Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).
\$970.00**\$0.00**

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	124 - 20 =	104	x \$18.00	\$1,872.00	
Independent claims	11 - 3 =	8	x \$78.00	\$624.00	
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>				\$0.00	
TOTAL OF ABOVE CALCULATIONS =				\$3,466.00	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). <input type="checkbox"/>				\$0.00	
SUBTOTAL =				\$3,466.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				\$0.00	
TOTAL NATIONAL FEE =				\$3,466.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). <input checked="" type="checkbox"/>				\$40.00	
TOTAL FEES ENCLOSED =				\$3,506.00	
				Amount to be: refunded	\$
				charged	\$

☒ A check in the amount of **\$3,506.00** to cover the above fees is enclosed.

☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.
 A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **12-1420** A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Michael R. Ward, Esq.
 LIMBACH & LIMBACH L.L.P.
 2001 Ferry Building
 San Francisco, California 94111-4262
 Telephone: (415) 433-4150

Michael R. Ward

 SIGNATURE

Michael R. Ward

NAME

38,651

REGISTRATION NUMBER

August 5, 1999

DATE

PATENT

PATENT COOPERATION TREATY
UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

In re Nat'l Phase Application of:)	
)	
DEBORAH KNUTZON et al.)	
)	
Based Upon International)	CERTIFICATION
Application No. PCT/US98/07126)	UNDER
Int'l Filing Date: April 10, 1998)	<u>37 CFR §1.10</u>
)	
Serial No.: Not Assigned)	
)	
A Filing Under 35 U.S.C. 371 on:)	
August 5, 1999)	
)	
For: METHODS AND COMPOSITIONS FOR)	
SYNTHESIS OF LONG CHAIN)	
POLYUNSATURATED FATTY ACIDS)	
)	
)	

Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231-0001

Attention: U.S. Designated/Elected Office (DO/EO/US)

Dear Sir:

I hereby certify that this Application for entering the national phase of the above-identified International Application and the documents referred to as enclosed herein are being deposited with the United States Postal Service on this date, **August 5, 1999**, in an envelope bearing "Express Mail Post Office to Addressee" Mailing Label Number **EM461821031US** addressed to: Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231-0001, Attention U.S. Designated/Elected Office (DO/EO/US).

Enclosed are:

1. Transmittal Letter to the U.S. Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371, in duplicate;
2. Copy of Request, description, sequence listing, claims, abstract, and drawings of International Application No. PCT/US98/07126 as originally filed April 10, 1998;

3. Twenty (20) sheets of formal drawings, comprising Figures 1 through 10B, inclusive;
4. International Search Report;
5. Response to Invitation to Furnish Nucleotide and/or Amino Acid Sequence Listing with revised paper copy of Sequence Listing (pages 143-173) and revised copy of Sequence Listing in computer readable format;
6. International Preliminary Examination Report;
7. Forms PCT/IB/301, PCT/IB/304, PCT/IB/308, and PCT/IB/332;
8. Preliminary Amendment;
9. Combined Declaration/Power of Attorney/Claim of Priority (**three signed documents**);
10. Assignment with Recordation Form PTO-1595;
11. Check in the amount of \$3,506.00; and
12. Acknowledgement Postcard.

Dated: August 5, 1999


Elizabeth A. Reicker

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San Francisco, California 94111
Telephone: (415) 433-4150

Attorney Docket No. CGAB-210 USA

09/367013
114 Rec'd PCT/PTO 05 AUG 1999

PATENT COOPERATION TREATY

EUROPEAN PATENT OFFICE
INTERNATIONAL SEARCHING AUTHORITY

Docket No.: CGAB-210 PCT

International Application No.: PCT/US98/07126

International Filing Date: 10 April 1998 (10.04.98)

Title: **METHODS AND COMPOSITIONS FOR SYNTHESIS OF
LONG CHAIN POLYUNSATURATED FATTY ACIDS**

Applicants: CALGENE LLC and ABBOTT LABORATORIES et al.

**RESPONSE TO INVITATION TO FURNISH
NUCLEOTIDE AND/OR AMINO ACID SEQUENCE LISTING**

European Patent Office
International Searching Authority
P.B. 5818
Patentlaan 2
NL-2280 HV Rijswijk
NETHERLANDS

Attention: Zorka Bota, Authorized Officer

Sir:

In response to the Invitation to Furnish Nucleotide
And/Or Amino Acid Sequence Listing mailed May 27, 1998,
Applicants hereby submit the following documents for
filing in connection with the above-identified
International Application:

- (1) Revised paper copy of Sequence Listing.
- (2) Revised copy of Sequence Listing in computer
readable format.

Applicants assert that the revised Sequence Listing
submitted herewith complies with WIPO Standard ST. 23 in a
machine readable form provided, under Section 208, in
Annex C of the *Administrative Instructions*. The Sequence
Listing has been modified to replace the sequence codons
"Xxx" and "****" with "Xaa." This change in the Sequence

Listing is a correction within the meaning of Rule 26.4 PCT and is not a rectification within the meaning of Rule 91.1 PCT.

Applicants assert that the paper copy and the computer readable format copy submitted herewith are identical. In addition, since the revised Sequence Listing is merely a correction in format of the previously submitted sequence, the revised Sequence Listing does not go beyond the disclosure in the International Application as filed.

Respectfully submitted,

LIMBACH & LIMBACH L.L.P.

Date: July 13, 1998

By: Michael R. Ward
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San Francisco, CA 94111-4262
(415) 433-4150
Attorneys for Applicants

CGAB-210 PCT